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October 17, 1996

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C. 20554

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Re: The Development of Operational Technical  
and Spectrum Requirements for Meeting Federal  
State and Local Public Safety Agency Communication  
Requirements Through the Year 2010.

WT Docket No. 96-86

Dear Chairman Hundt:

Public Safety agencies across the country are in desperate need of additional radio communication channels. The Public Safety Wireless Advisory Committee (PSWAC), jointly sponsored by FCC and NTIA, recently released its "Final Report", which concludes that public safety agencies need at least 2.5 MHz of additional spectrum right now for interoperability, at least 25 MHz additional spectrum within five (5) years, and an additional 70 MHz over the next fifteen (15) years.

The New York State Police, a full service police agency with statewide jurisdiction, submits this letter in strong support of the PSWAC findings and urges the FCC to take immediate action to allocate spectrum for safety use. Public safety agencies across the country face great difficulty in addressing problems of congestion, lack of interoperability, and the inability to implement new communication technologies. The problems are mainly caused by a lack of available radio channels. In New York State, north of New York City, the characteristics of our terrain are such that VHF high band frequencies are essential to public safety communication outside of the major cities. With severe frequency congestion in the New York City Metropolitan area to the south, the Toronto Metropolitan area in Canada to the north, and the adverse impact caused by a lack of base and mobile paired public safety channels in VHF high band, we experience harmful capture interference to reception of our car-to-station transmissions from fixed transmitters located in other states and Canada. In the Canadian case as an example, a state police frequency: 154.920 MHz - 90.19(e)(12), from commercial paging service transmitters along the north shore of Lake Ontario, is causing capture interference from 175 to 200 miles away.

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Immediate Commission action allocating portions of current UHF television spectrum between channels 60-69 for public safety use could begin to alleviate the shortage of public safety spectrum in high population density areas. This was suggested in the digital television Docket 87-268. This block of spectrum is ideal for public safety use, as it is adjacent to frequencies currently used by state and local agencies, such as our five channel, six site simulcast digital secure speech trunking system in New York City, where additional channels for system expansion are not available.

The Department of Defense recommended to PSWAC, in its July 18, 1996 letter, that the old mobile radiotelephone service is completely obsolete and, with the introduction of Cellular, Digital Cellular, Personal Communication Service and Mobile Satellite Services, totally unnecessary. In order to facilitate the implementation of the new emerging technologies (PCS and MSS), which are commercial services, the Commission has placed significant hardships on public safety in the 2 GHz microwave bands. Cellular has been around long enough to cause a market shift, such that the major telephone companies who originally operated the VHF and UHF mobile radiotelephone systems have, in many cases, divested from these systems. It is time now to push commercial entities into the advanced technology commercial systems, including SMR and ESMR systems. We strongly recommend that the Commission reallocate the VHF and UHF mobile radiotelephone service channels to public safety. These 44 wide band channels are base and mobile paired, and represent 88 duplex channels (176 frequencies) when operated in the 15/12.5 KHz narrow band mode, now required for new systems under the "refarming" of 92-235.

This will result in a significant alleviation of the present VHF and UHF channel congestion, and will provide the "green space" necessary to implement new technology spectrum efficient systems. Perhaps most significant, the availability of green space would allow a rolling conversion to commence of wide band channels to narrow band. Without such a significant block of spectrum in these bands, conversion to the narrow band channel plans of Docket 92-235 will be extremely difficult for large systems and, with no "date certain", could take forever.

As digital television broadcasting comes into being, the "refarming" of the TV broadcast channels being considered in MM Docket No. 87-268, placing the bulk of television in the UHF band, could very well provide FCC with additional opportunities for spectrum reallocation that would meet the spectrum requirements for a uniform nationwide interoperability band.

We fully support the Definitions of Public Safety, Public Service and Interoperability, and the redistribution of radio services into new categories of Public Safety, Public Services and Business/Commercial, as identified in the Interoperability and Transition Subcommittee reports of PSWAC. It should be readily apparent that for the spectrum efficient technology of trunking to be applied by governmental entities, all functions of government need to be incorporated in the public safety category. Further, if sharing is to effectively take place between all levels of government, including federal and state, present regulations will have to be modified to effect an appropriate equal partnership. All governmental functions need to be accommodated, priorities

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can be adjusted as incidents require within a system, however, with the exception of Section 706, War Emergency - Powers of the President, of the Communications Act of 1934, as amended, it is inappropriate to totally exclude one safety communication function for another in a common system of federal, state and local levels of government.

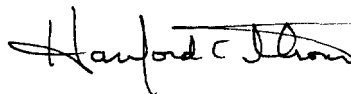
In addition, all public safety channels should only be licensable to governmental entities. Use of public safety channels by non-governmental entities, as provided in the PSWAC public safety definition, should only be permitted by written authority and contractual agreement to operating protocols of recognized state and regional plans, and the licensee. Such authority is granted to licensees currently in 90.421 of the Rules.

In FCC 96-403, released October 9, 1996, the Commission seeks additional comment on whether the general principles articulated in Section 273(d)(4) of the Communications Act of 1934, as amended, may be useful in the development of standards initiated in the future for public safety equipment.

Having followed the issues of recent activity involving different manufacturers in the development of standards employing new digital technology, we believe that such principles would be beneficial where a non-accredited standard setting organization is involved. It would help to ensure that the desired open and fair process is beyond reproach and would limit the amount of time that is consumed when the issues are relegated to public acrimony over the differences.

I wish to thank the Commission for the opportunity for New York State Police to participate extensively in the Public Safety Wireless Advisory Committee process. While this has been at no small expense, the importance of achieving the goals of PSWAC are that important to us. We look forward with great anticipation to tangible results in the near future, as we embark on plans for a new statewide radio communication system to serve all agencies with the latest technology, for which we need VHF high band frequency pairs.

Sincerely,



Colonel Hanford C. Thomas  
Deputy Superintendent  
Administration

C: Commissioner James Quello  
Commissioner Susan Ness  
Commissioner Rachelle Chong  
William F. Caton, Acting Secretary (5)